

Preston Fredrickson, Director
City of Walla Walla Development Services
55 East Moore Street
Walla Walla, WA 99362



Re: Short Plat of Provenance Planned Unit Development Open Space/Common Areas

Dear Director Fredrickson,

I am Michael Miller, resident of the Provenance neighborhood living at 302 Chardonnay Ct., Walla Walla, WA. I want to declare my support of the 5 issues raised by resident and current HOA Board Member Douglas Newton in his letter to you regarding the short plat. I am particularly concerned about the increased traffic, possible commercial traffic supporting the Tranche Winery operation adjacent to our development and how the two HOA's will share the maintenance of the roads, bridges and common areas.

I am also concerned about the request that the ownership of the greenbelt, APN360722659902 be transferred from our HOA to Mouton Acres at the time the short plat is recorded without compensation to the Provenance HOA. Your letter stated the HOA Board requested the ownership change. For clarification, the HOA Board is controlled (3 of 5 members) by the original developer despite the fact that they only own 1 of the 88 lots in the Provenance HOA development. The original developer manipulated the CC& R documents so that they could control the decisions until they were ready to relinquish control. Residents currently own 87 of the 88 lots, yet hold a minority of 2 positions on the board. I find the ownership control to be inappropriate in a democratic society!

Thank you for allowing our residents to comment on this short plat request.
I hope you will carefully consider the concerns of the Provenance residents.


Michael Miller
302 Chardonnay Ct.
Walla Walla, WA 99362
miller98042@yahoo.com
206-595-7536

Jon Maland

From: Permits
Sent: Wednesday, November 2, 2022 3:20 PM
To: Jon Maland
Subject: FW: short plat of the Provenance Planned Unit Development (PUD)

From: collegeplacewa123@yahoo.com <collegeplacewa123@yahoo.com>
Sent: Wednesday, November 2, 2022 7:11 AM
To: Permits <permits@wallawallawa.gov>
Subject: short plat of the Provenance Planned Unit Development (PUD)

From: Friends of Yellowhawk Creek Dear City of Walla Walla,

To: City Development Services:

This letter is in regard to the Corlis/Mouton Short Plat notice. The proposed action is along the east branch of Yellow Hawk Creek. Washington Department of Fish and Wildlife and other environmental groups are working very hard to restore runs of Mid-Columbia Steelhead. East Yellowhawk is migration route and rearing area. Mid-Columbia steelhead are list as threatened under the Endangered Species Act (ESA). If steelhead runs in this basin and Yakima Basin can be restored then these fish can be delisted, which would be a huge deal, and thus the huge community effort.

Several years ago, Kooskooskie-Commons environmental group told us that there would be a great riparian buffer installed along Yellowhawk Creek as soon after the Provenance development was approved by the City. Kooskooskie-Commons then told us that Corlis back out of installing the buffer, after the subdivision was approved, even though Kooskookie Commons had received a grant to install the riparian buffer.

The Developer pump station frequently dewater Yellowhawk creek. Numerous complaints have been called into the Ecology watermaster. There is an on-going investigation.

The Developer recently installed a new house on the east side of the Creek. The city critical area ordinance is clear. A Fifty-foot-wide riparian buffer zone is required as measure from the top of bank and letters of consultation are required for the State and Federal fish agencies. Instead, there is no buffer but lawns, fencing and lighting in the buffer zone. The recently constructed house is a clear violation of the city critical area ordinance and ESA, as no buffer exists.

New house construction or a second HOA should not be allowed until they are in full compliance with local, state, and federal environmental laws. Due to potential liability the City should strengthen its environmental documentation by:

- Have the developer hire an environmental consulting firm to develop a 50' riparian planting plan and stream improvement plan, to include woody debris and fish barrier removal. Also, install a buffer protection fence 50' from top of bank should be established, protection the buffer from the developer and housing contractors.

- Have consultation letter in the file from Washington Department of Wildlife approving the buffer plan, stream restoration plan and any required mitigation, as per city ordinance.
- Have consultation letter in the file from NOAA Fisheries approving the plan and any required mitigation required for threatened ESA steelhead.
- Have consultation letter in the file from US Fish and Wildlife approving the plan and any required mitigation required for threatened ESA bull-trout.
- Letter of Ecology due to their current involvement with the property.

Thank you for protecting this critical ESA fish passage stream.

* * * * * SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S): Information contained in any communication to or from the City of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.

Jon Maland

From: Permits
Sent: Wednesday, November 2, 2022 3:19 PM
To: Jon Maland
Subject: FW: Letter of Concern for Mouton Development and Provenance HOA

From: Linda Herbert <LHERBERT621@msn.com>
Sent: Wednesday, November 2, 2022 12:40 PM
To: Permits <permits@wallawallawa.gov>
Cc: Judith S. Johnson <jsj@bmi.net>; bob carson <carsonrj@whitman.edu>; dobsonhe@whitman.edu; Sandy Shelin <kidshelin@charter.net>
Subject: Letter of Concern for Mouton Development and Provenance HOA

To the City of Walla Walla Development Services Department,

Walla Walla 2020 echoes the concerns outlined by Judith Johnson of Kooskooskie Commons regarding the proposed expansion of Provenance housing development on Yellowhawk Creek.

The proximity of the proposed Mouton Development to Yellowhawk Creek necessitates close examination of the project. It does not appear that consideration is given to providing adequate riparian buffer along this stream for shade and filtration of runoff, which support favorable water temperature and quality for fish and other aquatic species. We also are concerned with the large amount of non-permeable surfaces which will preclude shallow aquifer recharge, as well as the lack of infiltration basins to filter runoff.

WW2020 supports the previous and on-going work of Kooskooskie Commons, Confederated Tribes of the Umatilla, and Washington Department of Fish and Wildlife in their efforts to optimize conditions for endangered fish in Yellowhawk Creek. We request close scrutiny be given to this proposal to ensure their work is supported rather than jeopardized by expanded development along this critical stream.

Sincerely,

WW2020 Executive Committee
Robert Carson, President
Heidi Dobson, Vice President
Sandy Shelin, Treasurer
Linda Herbert, Secretary

* * * * * SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S): Information contained in any communication to or from the City of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.



New HOA,

Last fall Provenance HOA had a meeting. It was announced much to almost everyone's surprise that Corlis would be forming a new HOA east of Yellowhawk Creek and the property the current Provenance HOA owns on the other side of Yellowhawk creek (hillside) would be donated to the new HOA.

A motion was made and seconded to take no future action, until we the HOA members could examine the details. The vote was almost unanimous, minus one board member who was quite indigent and said the HOA members were not allowed to vote on this as the Board had made the decision with great care and in the best interest of the HOA.

Another member brought up that if land was taken for the HOA, then we should be compensated. A number in the range of \$250,000 was brought up.

At this point Corlis's attorney stepped and informed the HOA, that Corlis still owns one lot. He therefore controls the board. This is a board decision and the HOA members have no voice in the matter.

When we bought our house we were led to believe there would be one Provenance HOA. If the City allows two HOA's in one subdivision, there will be much fighting over budgets and responsibilities. The haves and the have nots. They will have to pass through our HOA and we will have to provide services such as road and bridge maintenance, snow plowing, care of all the walking paths, landscaping so it can look nice while they drive through our HOA. So we vote no for the current second HOA proposal.

If the City allows this to happen then the applicant should have to pay 40% of the current annual HOA costs, plus \$500,000 for the hillside they are buying. They should only be able to use the southern bridge for construction vehicles and then pave the road they used for construction through the Provenance HOA when they are done with construction.

One council member has already been listening to the neighbors concerning the political, legal and environmental considerations. It should all be carefully considered before two (2) HOA's are allowed to exist in one subdivision.

Thank you,

Frank Nicholson

Julie Harvey

338 Chardonnay Ct.

Frank Nicholson
Julie Harvey

October 28, 2022

Letter of Concern for Mouton Development and Provenance HOA

To: City of Walla Walla Development Services Department

55 E. Moore Street, Walla Walla, WA 99362

Email: permits@wallawallawa.gov

The following comments are in response to the Notice of Application File# SPL-22-0007 published on October 13, 2022.

Provenance Planned Unit Development (PUD), generally located east of East Alder Street and Wallace Street, adjacent to Provenance Loop, Chardonnay Court, Reserve Way, Champagne Way, Noble Court, Grapevine Place and Claret Court and includes the following parcel numbers- 360722650033, 360722659901, 360722659903.

First, Kooskooskie Commons is concerned with problems associated with proposed application's proximity to Yellowhawk Creek.

Yellowhawk Creek is named after Chief Yellowbird, who had his camp near the Braden School at the time of the signing of the 1855 Treaty, as per the Cultural Resources Department of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). The proposed application for development of additional housing in this location is near the headwaters of Yellowhawk Creek, the only fish passage route to spawning areas in upper Mill Creek during summer months when Mill Creek flow is too low and too hot for fish. Any detrimental practices in the proposed Provenance expansion and Mouton Development will affect water quality and quantity the entire length of Yellowhawk Creek downstream to its confluence with the Walla Walla River.

In the past decade over a million dollars have been spent to restore riparian habitat along 2.1 miles adjacent to Yellowhawk Creek through Washington Department of Ecology Section 319 water quality improvement grants. In addition, untold dollars have been spent to remove fish passage barriers in Yellowhawk Creek by CTUIR and Washington Department of Fish and Wildlife. Detrimental actions near the headwaters threaten to undo all the past and continuing efforts to make Yellowhawk Creek safe for ESA listed fish.

Below is a list of elements of Yellowhawk Creek from Russell Creek to Mill Creek which require protection, according to: *Walla Walla County, WA Code of Ordinance 6B*. (This encompasses the proposed application.)

- Summer steelhead migration, limited rearing habitat and/or Ecosystem Diagnosis and Treatment
- A priority protection reach (for summer steelhead migration)
- Large woody debris recruitment

- Shade
- Control sediment nutrients, and stormwater runoff
- Buffer 50 ft (on both sides of the creek)

The plat published by the City of Walla Walla Development Services Department does not include a buffer on the east side of the East Branch of Yellowhawk Creek as required by the Critical Areas Ordinance quoted above. The plat description for Mouton Acres lists the existing green space with the asphalt (non-permeable) walking path on the west side of the East Fork of Yellowhawk Creek for the enjoyment of the residents who will be living in the Mouton acres development. **Therefore, expansion of the Provenance HOA and the Mouton Acres development application is not up to code as no new riparian buffer is platted on the east side of the East Fork of Yellowhawk Creek.**

The existing 6-foot-wide asphalt walking path already negatively impacts the current 50-foot buffer in the common green space by its impermeability and closeness (often within 4 feet) to the creek. Additionally, the current riparian vegetation averages only 4 to 8 feet of the buffer set back width and is composed of a single line of non-native black locust trees and invasive Himalayan blackberries. Therefore, the buffer is not functioning as it should to filter run-off and provide shade to maintain cold, clean water for the ESA listed anadromous fish that migrate through the Provenance HOA.

In 2012, the Assumption Church used a grant from the Washington Department of Ecology to install a 35-foot by 630-foot buffer on the west side of the West Fork of Yellowhawk Creek, removing non-native species and planting native species of trees, shrubs, and grasses. The project also included a four-foot-wide *permeable walking path*. See attached photos from 2013 and October 28, 2022, to demonstrate a functioning riparian buffer.

The second issue of concern is the impact on Yellowhawk Creek and the shallow gravel aquifer from stormwater, sediment, and nutrient runoff.

According to the 2018 Update of the Zoning Code, Neighborhood Residential requirements include setbacks of 20 feet from front and rear property lines, and 5 feet from either side. (These are the same as former R-60 and R-72.) RN maximum lot coverage (how much of the lot can be covered with roofed structures, including home, garage, covered porches, sheds, etc.) is 50%.

From aerial maps of the current development in the Provenance HOA, it appears that more than 50% of the lots are covered by impermeable surfaces. Because the streets are private streets, no parking is allowed on them. Therefore, individual lots must have concrete driveways to accommodate an average of 2 cars, adding to the roof, sidewalk and street surfaces which do not absorb water.

Also, roof runoff seems to be directed towards the streets, from which water is evacuated to drains that are sometimes within a few feet of Yellowhawk Creek. No evidence of swales or other means of filtering runoff seem to be installed in the current Provenance HOA.

As per the *2018 Critical Areas Ordinance Update – Walla Walla County Critical Aquifer Recharge Areas – Walla Walla River Shallow Gravel Aquifer CARA – Southwest County*, the

Provenance/Mouton Acres Development appears to be in a critical shallow aquifer recharge area. The consequence of such a great quantity of impervious surface areas in the development is reduced shallow aquifer recharge and thus, water which normally moves east to west through the shallow aquifer (the City of Walla Walla and beyond) will be diminished.

There are 18 named creeks and up to 40 small ponds in Walla Walla. The new First Avenue Plaza recently approved by the City Council and now under construction celebrates these 'many waters.' But unfortunately, there are examples in our community where, rather than celebrated, their value is disregarded or degraded. For instance, in the recent expansion of Pioneer Middle School, an asphalt parking lot was built within 4 feet of Garrison Creek, destroying 1200 by 25 feet of riparian habitat installed in 2014. Together with the runoff from 50 or more cars, this shortsighted placement will impact aquatic species through degraded water quality and temperature. (Ironically, the sign placed by the Walla Walla County Conservation District and the Wildhorse Foundation explaining the importance of riparian buffers in keeping water clean and providing habitat for wildlife still stands on the other side of the creek.) City Codes initiated for preservation of our natural resources were bypassed in this instance. We must ensure that this does not happen again. Revising the plat for Provenance HOA expansion and Mouton Acres Development to protect Yellowhawk Creek and the shallow gravel aquifer would be a significant step in the right direction.

Sincerely,



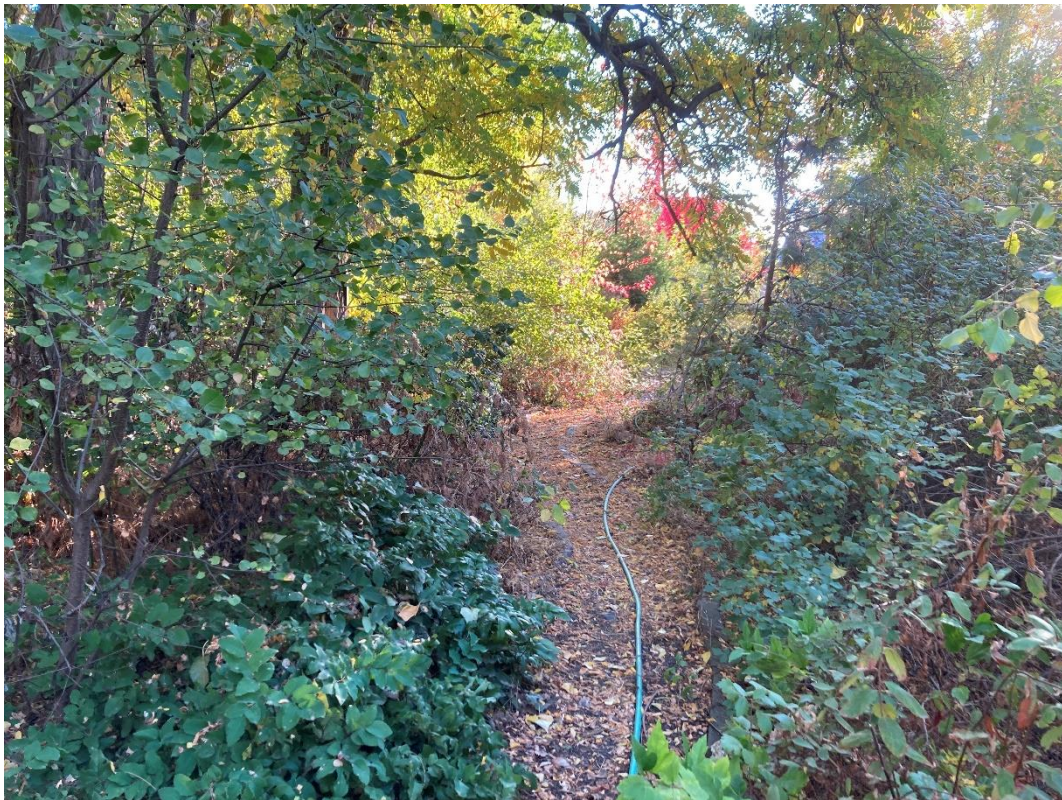
Judith S. Johnson, Program Coordinator
209 North Clinton Street
Walla Walla, WA 99362
jsj@bmi.net
509-301-2973



Current asphalt impermeable path and riparian habitat along Yellowhawk Creek
at Provence HOA



Assumption Church riparian restoration adjacent to Yellowhawk Creek in 2013



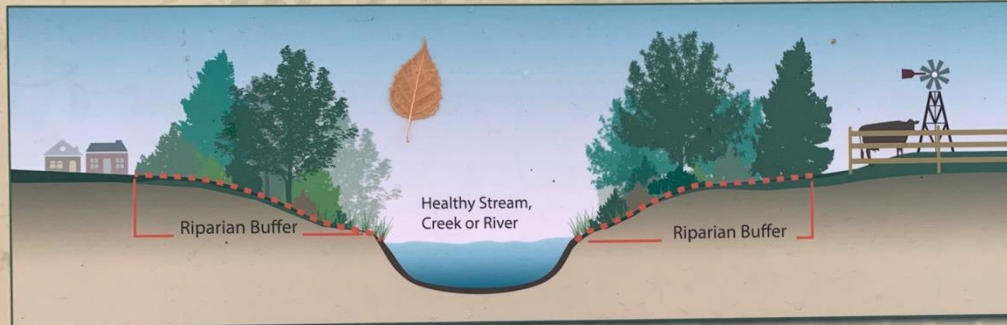
Assumption Church riparian restoration on Yellowhawk Creek October 2022

Riparian Buffers



WALLA WALLA COUNTY
CONSERVATION DISTRICT

WILDHORSE FOUNDATION



What is a Riparian Buffer?

A riparian buffer is a vegetated area adjacent to a stream, creek or river. This area provides protection from pollution generated from human land use. They keep our water clean by removing sediments and nutrients. They provide streambank stabilization and create habitat for fish and wildlife. Clean water creates habitat for Salmon and other fish. The trees and shrubs create habitat for deer and elk.

Healthy Rivers and First Foods

The Cayuse, Umatilla and Walla Walla tribes have lived in the Columbia River Region for more than 10,000 years. They relied on Salmon, Roots, Berries, Deer and Elk to keep them fed throughout the seasons. These First Foods rely on healthy rivers and rivers rely on healthy riparian areas.

In the tribal creation belief, the Creator asked the foods "**Who will take care of the Indian People?**" Salmon was the first to promise, then the other fish lined behind Salmon, next was Deer, then Cous, then Huckleberry.



Cúus
Water



Núsu
Salmon



Yáamas
Deer



Xáws
Cous



Wíwnu
Huckleberry

From: [Doug Newton](#)
To: [Permits](#)
Subject: Comments on Public Notice SPL-22-0007
Date: Friday, November 4, 2022 1:19:45 PM

Attn:
City of Walla Walla
Development Services Department

Re:
Doug Newton
250 Champagne Way
Walla Walla, WA 99362
(509) 301-7832

Subject:
Mouton/Provenance PUD
Short Plat Review Comments

Dear Sir/Ma'am,

My comments below are in reference to the subject short plat application submitted by Mr. Eben Corliss.

1. BMC/BMV easement - My understanding is that the Applicant has proposed a cost sharing agreement between Mouton HOA and Provenance HOA, on a "per developed lot" basis. The document I've seen indicates that once Mouton starts developing lots, each lot will start paying into Provenance HOA for the maintenance and reserves of the roads and access bridges. There is no proposed expense sharing for open space and common areas such as trails and entrance landscaping or lighting. I have not seen this document in the Applicant's submission package.
2. There is no limitation on what type of vehicles can use the BMC/BMV easement. It should be limited to homeowner's and guest's vehicles, with limitations on commercial or agricultural vehicles accessing BMC and BMV. I am also concerned about all the additional construction traffic if/when the Mouton lots start being developed; lots of potential for Contractors to damage or put extra wear and tear on Provenance HOA roads and bridges.
3. To truly separate the properties into 2 distinct HOAs, it would be ideal if the Applicant built a new access road to the Mouton HOA from Berney Drive and/or Reservoir Rd. My understanding is the Applicant owns the properties that front these roads and current Provenance HOA.
4. Expense Sharing - I have several concerns on the proposed Expense sharing agreement, which to my knowledge has not been shared with the Public Notice documents. Mouton HOA should share expenses for Landscaping, Irrigation R&M, Watering, and Walking Path maintenance. If they will be utilizing Provenance access (Alder St. and Wallace St.) and common spaces, it seems fair that they should share the cost of maintaining those common areas.
5. My main concern as a homeowner in the Provenance HOA is that we continue to enjoy access to walking/biking throughout the whole PUD. I would be sorely disappointed if sometime in the future we got shut out of the common areas within the Mouton lots. It seems like the Applicant has addressed this in the paragraph on Sheet 2 of the replat....."subsequent phases of the PUD the open space/common area in its

entirety shall be for the benefit of all the combined current and future homeowners within the PUD....". However, the documents are so riddled with confusing legalese, it's hard to tell what kind of loopholes there might be that would allow Mouton HOA to shut out Provenance HOA owners sometime in the future. The proposed Mouton HOA and associated common space was a large part of why I bought my home in Provenance HOA, because I enjoy the ability to walk and enjoy those areas.

6. My last concern is that there has been an overall lack of transparency and communication with respect to Mr. Corliss' intentions with the Mouton land, and more specifically its impact on the Provenance HOA. We don't know what he's planning or doing with this land. It appears that this might be some kind of legal posturing to significantly alter the use of the Mouton PUD, which is not what many of us homeowners anticipated when we purchased our homes in the Provenance development. I would just ask that you consider all of these factors when reviewing this short plat.

Respectfully,

Doug Newton
250 Champagne Way
Walla Walla, WA 99362

From: [Jerald A Hanson](#)
To: [Permits](#)
Subject: File#SPL-22-0007 - Notice Objecting to Corliss Filings
Date: Thursday, November 3, 2022 1:37:49 PM
Attachments: [11-3-2022 Letter to City Development.pdf](#)

City of Walla Walla Development Services,

I am attaching my letter challenging the changes to Provenance PUD filed by Corliss and his controlled entities.

This letter explains why I am asking the City to reject the filed changes that have a negative impact on the owners that have purchased homes in this community.

I feel it your duty to leave the community in tact from changes that have negative potential impact on our peace and private roads that he is posturing to utilize for the benefit of his other private development aspirations and profits.

Thank you.

Jerald A. Hanson
390 Chardonnay Court
Walla Walla, WA 99362

Jerald Hanson

**390 Chardonay Court
Walla Walla, WA 99362
Phone: (509)301-6305**

Preston Fredrickson, Director

**Development Services Department
City of Walla Walla
55 E. Moore Street
Walla Walla, WA 99362**

November 3, 2022

Dear Sir,

Question: Is it your duty to protect a community within Walla Walla from the underhanded abuse of power to alter the master plan of the community and coerce full use of our private roads for the benefit of his adjacent commercial enterprises?

I am a homeowner in the Provenance PUD, a development of Michael Corliss and numerous entities that he controls. Corliss, the Declarant of Provenance HOA CC&R's has filed documents to alter the PHA configuration and grant is non-related adjacent commercial properties to utilize our roads, without compensation, to traffic unlimited agricultural, commercial and any other access through our private community.

He is also dividing the master plan into 2 separate developments that violates our rights under the CC&R's without a vote of the members (not board of directors). Our only recourse is to challenge his maneuverings, carefully orchestrated over the last 6 years, in a court proceeding that could cost our community dearly in time and peace of mind. We bought into a community that he is now manipulating.

I am asking you to utilize your authority to reject his changes to our owned common areas and rights to limit traffic from his associated commercial ventures adjacent.

In reviewing his filings, easement traffic through our community could be agricultural, concert venue attendants, commercial traffic or any other traffic he later decides benefits him. There are no provisions within his filing with the City to compensate PHA HOA for his utilization of our roads, required to be maintained by currently 86 homeowners.

The entities I reference are adjacent (east) properties that are commercial operations known as Blue Mountain Vineyard, LLC and Blue Mountain Commercial, LLC (Tranche Winery).

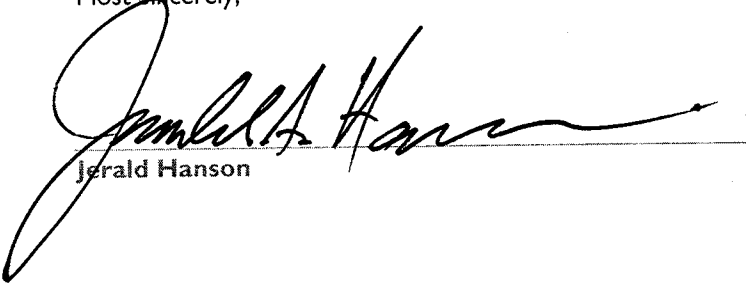
I am asking the Walla Walla City Planning to reject the Grant of Access & Utility Easement through PHA PUD to BMV, LLC and BMC, LLC. Our community streets and ongoing maintenance of these private roads did not anticipate commercial or venue traffic that is anticipated by this portion of Mr. Corliss's filing for changes to our community pending.

In the real world and without the ability to manipulate this sequence of transactions to enhance the value and operation of his wine endeavors, this Grant of Access would be compensable via mutually agreeable terms and limitations between PHA and Corliss for the use of our roads. We have offered to meet and discuss this with Corliss and his board appointees to no avail. They have responded "It is a done deal!"

The City of Walla Walla must protect the intent of the Master Plan and reject the request accordingly. He has offered no compensation, plans, or ongoing assistance for this significant change.

Thank you for your consideration.

Most Sincerely,



Jerald Hanson